

**APPROVED MINUTES
YORK COUNTY PLANNING COMMISSION**

Regular Meeting
York Hall, 301 Main Street
October 9, 2002

MEMBERS

Andrew A. Simasek
Spencer W. Semmes
Robert D. Heavner
Nicholas F. Barba
Alfred E. Ptaszniak, Jr.
Michael H. Hendricks
Ann F. White

CALL TO ORDER

Chair Michael Hendricks called the regular meeting to order at 7:00 p.m. The roll was called and all members were present except Mr. Heavner. Staff members present were James E. Barnett, Jr., J. Mark Carter, Timothy C. Cross, Amy M. Parker, and Maggie Hedberg.

REMARKS BY THE CHAIR

Chair Hendricks remarked that the Code of Virginia requires local governments to have a Planning Commission, the purpose of which is to advise the Board of Supervisors on land use and planning issues affecting the County. Its responsibility is exercised through recommendations conveyed by resolutions or other official means and all are matters of public record. He indicated that the Commission is comprised of citizen volunteers, appointed by the Board, representing each voting district and two at-large members. The York County Planning Commission is acknowledging its fiftieth anniversary, having been established in August 1952.

APPROVAL OF MINUTES

Mrs. White moved to adopt minutes of the September 11, 2002 regular meeting. The minutes were unanimously approved.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS

Application No. UP-607-02, VoiceStream Wireless/T-Mobile – deferred.

Ms. Amy Parker explained that the applicant had requested a deferral of the public hearing to allow them to seek a different site. The application has not been rescheduled for public hearing.

Application No. UP-608-02, York County Volunteer Association: Request to amend a previously approved Special Use Permit to authorize a 3,700-square foot expansion of a thrift shop known as The Bargain Box, located at 222 Dare Road (Route 621).

Mr. Tim Cross summarized the staff memorandum dated September 30, 2002, in which the staff recommended approval of the application.

Mr. Semmes inquired about original conditions for the business, and Mr. Cross replied there were none. Mr. Semmes inquired about the buffer between the existing building and its eastern boundary line and whether expanding the building would impact its surroundings. Mr. Carter explained the setbacks and said no impacts are anticipated.

Chair Michael Hendricks opened the public hearing.

Mr. John Yeatts, 1005 Wormley Creek Drive, president of York County Volunteer Association, said the generosity of County citizens has resulted in a need for more space for sorting, storage, and display at the applicant's thrift store, The Bargain Box.

There were no others to speak, and the Chair closed the public hearing.

Ms. White said she has been active with members of the YCVA for a number of years and it is an outstanding contributor to the County and its citizens in their times of need.

Mr. Semmes moved the adoption of Resolution PC02-38.

PC02-38

On motion of Mr. Semmes, which carried 6:0 (Mr. Heavner absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO
AMEND A PREVIOUSLY APPROVED SPECIAL USE PERMIT TO AUTHORIZE
A 3,700-SQUARE FOOT EXPANSION OF THE BARGAIN BOX THRIFT STORE
AT 222 DARE ROAD

WHEREAS, the York County Volunteer Association has submitted Application No. UP-608-02, which requests an amendment to a previously approved Special Use Permit to authorize a 3,700-square foot expansion of The Bargain Box thrift store located on 2.3 acres of land located at 222 Dare Road (Route 621) and further identified as Assessor's Parcel No. 29-3-1; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of October, 2002 that Application No. UP-608-02 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend a previously approved Special Use Permit to authorize a 3,700-square foot expansion of The Bargain Box thrift store located at 222 Dare Road (Route 621) and further identified as Assessor's Parcel No. 29-3-1 subject to the following conditions:

1. This approval shall amend a previously approved Special Use Permit (Application No. 75-UP4, approved by the York County Board of Supervisors on April 3, 1975) to authorize a 3,700-square foot expansion of The Bargain Box thrift store located at 222 Dare Road (Route 621) and further identified as Assessor's Parcel No. 29-3-1.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any construction or land clearing activities on the site. Except as modified herein, said site plan shall be in substantial conformance with the sketch plan submitted by the applicant, a copy of which shall be kept on file in the York County Department of Environmental and Development Services, Division of Development and Compliance.
3. The existing septic tank shall be relocated prior to the issuance of a building permit for the building addition. The relocated septic system shall meet all applicable requirements of this Code and the Virginia Department of Health. Specifically, in accordance with Section 7.1-14(b) of the York County Code, no structure shall be within five feet (5') of the septic tank and eight feet (8') of the drain field, measured horizontally.

Application No. UP-609-02, York River, LLC: Request for a Special Use Permit to authorize the establishment of an office within an existing building currently used as a single-family detached residence. The property is located at 3201 Old Williamsburg Road (Route 238).

Ms. Maggie Hedberg briefed the members on the application, referring to the staff report dated September 30, 2002 in which the staff recommended approval.

Mr. Semmes inquired about access to the driveway, and Ms. Hedberg replied there is an easement to guarantee access to the driveway for the owner of the adjacent residence.

Chair Hendricks opened the public hearing.

Ms. Kathy McQuade, 39 Deerfield Boulevard, Hampton, is the president and co-owner of the applicant, York River, LLC. Ms. McQuade said the business has operated in York County since 1986. She said few changes are planned for the exterior of the property and they plan to use the interior as administrative offices. Parking will be at the rear of the building, although, she explained, traffic to the office is minimal because employees report to the various job sites and equipment remains at the job sites.

Mr. Ptasznik inquired about opportunities the proposed move would present for Lackey residents, and Ms. McQuade said the business currently has some Lackey residents engaged in contract employment and would expect to continue that practice.

Both Messrs. Barba and Hendricks enthusiastically endorsed the application. Mr. Semmes, noting he does not usually favor a business operating in a residential area, agreed that the proposed use should have a low impact on what appears to be a good location for it.

Mr. Barba moved adoption of Resolution No. PC02-39.

PC02-39

On motion of Mr. Barba, which carried 6:0 (Mr. Heavner absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION FOR A SPECIAL USE PERMIT TO AUTHORIZE AN OFFICE WITHIN AN EXISTING BUILDING LOCATED AT 3201 OLD WILLIAMSBURG ROAD.

WHEREAS, York River Electric has submitted Application No. UP-609-02, pursuant to Section 24.1-306 (Category 11, No. 9) of the York County Zoning Ordinance, which requests a Special Use Permit to authorize the conversion of an existing single-family residence to an office building located at 3201 Old Williamsburg Road and further identified as Assessor's Parcel No. 018-4-3; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application in accordance with applicable procedure; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of October, 2002, that Application No. UP-609-02 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 9) of the York County Zoning Ordinance, subject to the following conditions:

1. This use permit shall authorize the establishment of an office in an existing structure on property located at 3201 Old Williamsburg Road and further identified as Assessor's Parcel No. 18-4-3.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to establishment of the office on the subject property. This shall include a landscape plan depicting ten (10) foot vegetative buffers along all property lines. Except as modified herein, the site plan shall be in substantial conformance with the sketch plan by Campbell Land Surveying, Inc., titled "Site Improvement Sketch, York River Electric," prepared and dated August 23, 2002.
3. Appearance and arrangement of lighting shall be of a form, character, appearance and arrangement fully compatible with the residential area.
4. Signage shall be limited to one (1) twenty-four (24) square foot freestanding, ground-mounted monument type sign with a maximum height of six (6) feet.
5. Connection to the County sewer system shall be required in accordance with Section 18.1 - 62 (a) of the York County Code in the event the property at some future time is deemed to have access to the County sewer facilities.
6. The existing driveways on the eastern side of the property shall be removed. The western entrance shall be in accordance with Virginia Department of Transportation (VDOT) standards for commercial entrances.
7. The existing entrance ditch area shall be reshaped to ensure the entrance drainage pipe properly drains.
8. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

Application No. UP-610-02, Kenneth Dale Moore: Request for a Special Use Permit, to authorize the establishment of a mini-storage warehouse facility on a 2.6-acre portion of a 6.3-acre parcel of land located on Hampton Highway (Route 134) approximately 900 feet east of the intersection of Hampton Highway and Big Bethel Road (Route 600).

Mr. Tim Cross presented a summary of the staff report dated September 30, 2002 in which the staff recommended denial. Mr. Cross noted that within the past two years the Board denied an almost identical application and the Commission has twice recommended denial of applications for the same use at the same location. He noted that the current application is virtually the same as the previous applications and the staff's recommendation remains unchanged.

Responding to a question by Mr. Semmes, Mr. Cross explained that previous applications requested 60,000 net square feet of rentable space while the current application requests approximately 50,000 net square feet.

Chair Hendricks opened the public hearing.

Mr. Lamont Myers, 108 Pheasant Watch, explained that Mr. Moore was out of town and spoke as the applicant's agent. Mr. Myers named what he considers to be the positive aspects of the application, which included:

- Would serve a need in the community.
- Use permit would provide County control of building materials, landscaping, colors, access, and signage.
- Proposed design, color, materials and shared access compatible with the adjacent Belmont apartment complex.
- Consistent with Comprehensive Plan for nodal development within the proposal area.
- Low traffic generator.
- Neighbors have not objected.
- Would blend with surrounding uses.
- No impact on public service.
- Quiet, secure, employing around-the-clock camera surveillance.
- Best use for a "difficult piece of property on which the owner is paying taxes" in the amount of \$12,000 annually.

Mr. Myers maintained the market is not viable for other, perhaps more desirable, uses for this property because of its shape, size and obscurity from public view. He requested a recommendation of approval.

There were no others who came forward to speak, and the Chair closed the public hearing.

Mr. Hendricks commended Mr. Myers for his presentation and agreed the project is an excellent one, but not in the proposed location, and for that reason he did not support it.

Mrs. White did not believe the project met all of the criteria for nodal development nor was it the highest and best use for that property at this time.

Mr. Barba believed approval would be tantamount to downzoning the property and he wanted to wait for another opportunity that would be more suitable for the property.

Mr. Simasek did not believe a storage facility belonged on a major transportation artery.

Mr. Semmes recognized the good quality of the applicant's other projects in the County. He acknowledged that development along that area of Route 134 had been slow, but did not believe the size or depth of the parcel had contributed to it not having been developed. He did not think a storage facility would be appropriate.

Mr. Ptasznik thought the applicant was offering a very attractive facility, but it belonged in a different location. He believed that more appropriate uses could be found for the general commercial area and preferred more medical office space. He encouraged the applicant to seek another site in the County because he believed this was a worthwhile project.

Mrs. White moved the adoption of Resolution No. PC02-40.

PC02-40

On motion of Mrs. White, the following resolution was denied 6:0 (6 No, 0 Yes) (Mr. Heavner absent):

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO
AUTHORIZE THE ESTABLISHMENT OF A MINI-STORAGE WAREHOUSE
FACILITY ON 2.6 ACRES ALONG ROUTE 134

STAFF REPORTS

Mr. Mark Carter reported on recent actions taken by the Board of Supervisors.

Mr. Carter directed the members' attention to the report, "An Analysis of York County's Residential Growth Potential." He indicated that, according to the very comprehensive analysis undertaken and completed by the Planning staff, the County is on target for a full build out population of approximately 81,000. He said the complete report will be available to the public on the County web site and at the public libraries.

Mr. Carter reported that the Board of Supervisors adopted Alternative No. 3 for the Yorktown waterfront construction and a model demonstrating it is presently displayed in the downstairs lobby of York Hall.

Mr. Carter said he would welcome comments from the Commission members about the County Administrator's memorandum to the Board entitled, "Zoning Ordinance Review Project – Accessory Apartments," dated October 3, 2002.

Mr. Carter reminded the members of the Commission-sponsored information meeting on the proposed Yorktown design guidelines, October 17 at 7:00 p.m. in York Hall.

COMMISSION REPORTS AND REQUESTS

Mr. Spencer Semmes announced that he had regrettably submitted his resignation because he is moving out of York County. He thanked the members of the Commission, the Board of Supervisors, and the staff for their support. Mr. Hendricks commended Mr. Semmes for his contributions to the citizens and the Commission, and wished him well in his relocation.

FUTURE BUSINESS

Mr. Carter stated that no new applications have been received for November public hearing, but after the October 17th information meeting the Commission might decide to conduct its public hearing on Yorktown design guidelines during the November regular meeting.

ADJOURNMENT

Chair Hendricks called adjournment at 8:05 PM.

SUBMITTED: /s/
Phyllis P. Liscum, Secretary

APPROVED: /s/
Michael H. Hendricks, Chair

DATE: November 13, 2002